

**Board for Geologists and Geophysicists**

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**Minutes of the Board for Geologists and Geophysicists
November 16, 2007 Board Meeting
Palos Verdes Peninsula Center Library
Rolling Hills Estates**

1. Roll Call to Establish a Quorum

The meeting was called to order at 9:40 a.m. and a quorum established. Present: William Black, President; Richard Blake, Vice-President; James Ashby; Shirley Husar; and Cecilia Yu. The following Board Member was absent: Shayan Samii.

2. Public Forum

The Board heard comments from Kevin Mass regarding requirements for admittance into the written examination; Buzz Spellman regarding differences between practice of geology and practice of civil engineering.

3. Minutes

Board Action: The Board unanimously approved amended August 3, 2007 Board meeting minutes.

4. Executive Officer Report

Member Husar and Mr. Rempel presented an overview of observations made, actions taken, relationships built and lessons learned at the October 2007 Annual Meeting of ASBOG® in Denver, Colorado. Mr. Rempel also (i) updated current budget status through October 31, 2007 indicating overall expenditure trends lagging behind and revenues exceeding Fiscal Year 07-08 expectations, supported by a growing professional geologist licensee population and improved accounting practices; (ii) reported hiring a staff geologist (Doina Brownell) in the Professional Standards Unit; and (iii) apprized the Board re: current status of re-locating the office and obtaining efficient, reliable and cost-effective information technology products and services.

Board Action: The Board directed staff to include Dr. Kenneth Schmidt on the Examination Committee.

The Board discussed at length and considered written and oral comment from interested parties regarding whether or not a doctoral degree in Marine Sciences (with emphasis in Marine Geology) satisfies the statutory requirement for graduation "...with a major in the geological sciences..." pursuant to Business and Professions Code §7841(b) for entrance into the written examination for licensure as a professional geologist. The Board assigned a two-person committee of licensed professionals (Board Members Ashby and Blake) to review – during the impending lunch break – the facts in the specific case of Dr. Peter Van Langen and to make a subsequent case-specific recommendation to the Board.

Board Action: The Board directed staff to accept, in Dr. Van Langen's particular case, a doctoral degree in Marine Sciences (with emphasis in Marine Geology) as a qualifying degree with a major in the geological sciences for purposes of entrance to the Spring 2008 licensing examination. This decision is non-precedential and is based on the specific facts in this case. These facts include, but are not limited to, the applicant's coursework in the geological sciences and being published extensively in several peer reviewed journals.

Protection of the public shall be the highest priority of the Board for Geologists and Geophysicists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code §7810.1)

Board staff reported issuing 5 citations with fines totaling \$12,500 since the previous Board meeting and had received a surrendered hydrogeology specialty certification issued in error by the former Executive Officer. Staff continues to work with Department of Toxic Substances Control (DTSC) staff to determine the feasibility of effective enforcement action by the Registered Environmental Assessor (REA) program. The Professional Standards Unit (PSU) conducted quality assurance and quality control reviews of applications and references for the March 6, 7, and 8, 2008 examinations.

Board Action: The Board directed staff to continue actively implementing provisions of Business and Professions Code §101.6, including issuance of citations and fines to reference providers who repeatedly fail to accurately represent the qualifying professional experience of applicants for registration and for administration of examination.

Board Action: The Board directed staff to cite and fine (an amount at least twice the renewal fees owed) any delinquent licensees who continue to practice geology or geophysics with an expired license.

5. Committee Reports

Enforcement Oversight Committee (EOC):

EOC Member Sawyer reported that the EOC sub-committee reviewed open complaint cases and found that there appears to be a substantial difference in the standards of care, and therefore public protection, provided by geologists versus civil engineers practicing geology or geophysics. The Board currently shares a single legal advisor with BPELS which sometimes results in conflicts of interest. This conflict becomes particularly acute in the evaluation of consumer complaints submitted to both Boards. The committee recommended that the Board consider requesting functionally independent legal counsel from DCA.

Board Action: The Board unanimously appointed Board Member Ashby as the Board liaison to the DCA executive office for the appointment of a functionally independent legal counsel, Board office relocation and for discussions with DTSC concerning the REA Program.

Board Action: The Board directed staff to take appropriate disciplinary action on all complaints that include the practice (whether licensed, exempted, or not) of geology or geophysics.

6. Legal Report

Gary Duke briefed the Board on *Ex Parte* communications and provided advice and direction to best avoid potential *Ex Parte* communication situations, so as to remain compliant with the Bagley-Keene Open Meeting and Administrative Procedures Act.

7. Closed Session

Pursuant to Government Code §11126(a) and (b), §11126(c)(1), and §11126(e)(1), the Board went into Closed Session to discuss personnel matters, examination procedures and results, administrative adjudication and pending litigation.

8. Open Session to announce results of Closed Session

President Black announced the Board had discussed personnel matters, appropriate legal office representation, examination procedures and results, and compliance with a settlement agreement. Mr. Duke summarized case history and discussed recent correspondence from the individual with whom the Board had executed the settlement agreement.

9. Adjourn

The meeting was adjourned at 3:35 p.m.

Date Approved: February 8, 2008